

# MISSISSIPPI

## State Profile

### Governor

Phil Bryant (R)

### Attorney General

Jim Hood (R) (elected)

### Legal Issues

Clean Air Act (CAA) Start Up, Shutdown, Malfunction  
Rule Challenge

Clean Power Plan

Challenge Clean Water

Rule Challenge

### Key Agencies

Mississippi Department of Environmental Quality  
*Gary Rikard, Executive Director*

Mississippi State Department of Health  
*Mary Carrier, M.D., State Health Officer*

Mississippi Department of Agriculture and Commerce  
*Cindy Hyde-Smith, Commissioner (elected)*

Mississippi State Port Authority – Port of Gulfport  
*Jonathan Daniels, Executive Director & CE*

#### Key Issues

- Grenada Manufacturing
- Mississippi Phosphates, Inc.
- City of Jackson
- City of Hattiesburg

### **MS PHOSPHATES CORPORATION (MPC) SITE IN PASCAGOULA**

**Issue:** What is the status of the Mississippi Phosphates Corporation (MPC) Site in Pascagoula

#### **Response:**

##### **Background**

- Began operation in 1950s. Bankrupt under Chapter 11 in 2014.
- Property split into Liquidation and Environmental Trusts. Region 4 removal program assumed funding and operation of Environmental Trust property on February 11, 2017, (wastewater treatment and stack maintenance).

##### **Water Management**

- Approximately:
  - 740 million gallons of wastewater on site when EPA assumed operations.
  - 9.1 million gallons of wastewater generated with each 1 inch of rainfall.
  - 558 million gallons treated water discharged since February 11.
  - 184 million gallons bypassed (partially treated via pH adjustment) since July 18.
  - Cost is approximately \$1 million per month for water treatment and stack maintenance.
  - Bypass is an intentional release of partially treated water. The Removal program has developed an emergency bypass plan specific to the Site. Bypass has been necessary due to significantly higher than average precipitation and to lower water levels in structurally impaired ponds on site.

##### **NPDES Limits and Fish Advisories**

- Fish Consumption Advisories
  - Pascagoula River for Largemouth and Spotted Bass and large Catfish (mercury).
  - Mississippi Gulf Coast for King Mackerel larger than 33 inches (mercury).
  - Mercury is not a Contaminant of Concern at Mississippi Phosphates.
- Wastewater discharge sampling, as included in the former facility's NPDES permit include:
  - pH continuous
  - ammonia, phosphorous, fluoride, solids (three times per week).
  - RCRA metals (bi-weekly) – selenium, thallium, arsenic, nickel, zinc, cadmium, lead, chromium, copper. Bi-weekly samples consist of six aliquots collected over each two week period

- Radionuclides and toxicity (quarterly).
- Limits in the former facility's permit are being met for routine wastewater treatment.
- During bypass, most discharge parameters exceed effluent limits except for pH. During bypass, water is sampled at multiple locations within the bayou twice daily and compared to acute and chronic aquatic toxicity values.
- We have observed no acute impact (e.g., fish kill) associated with bypasses implemented by the EPA.

#### **Radiation**

- Stack material contains low-level radioisotopes (radium 226), but there are no worker exposure issues on site according to the EPA health physicist that has reviewed on-site data. A comprehensive radiation survey was performed during the spring of 2017.
- Local residents are concerned with off-site migration and exposure to radiological material, particularly radon 222. EPA is developing a sampling and survey plan to address these concerns, which will be implemented in October.

#### **Stack Closure and Remedial Process**

- Proposed to NPL on August 3, 2017. State of Mississippi concurred with listing.
- Comment period on proposal ends on October 2, 2017. The earliest to finalize on the NPL is mid-October, but it is uncertain when finalization will actually happen.
- Being final on the NPL is necessary to access Remedial Action funding.
- To expedite action, Remedial is planning to conduct a Non Time-Critical Removal Action (NTCRA), which does not have a state cost-share.
- Engineering Evaluation/Cost Analysis to support NTCRA is underway.
- Project will be evaluated by the National Risk-Based Priority Panel on November 7-8.
- NTCRA will involve closure of the East Stack and wastewater treatment.
- Other issues at the Site will be addressed through the usual remedial process.

#### **Next Steps**

Deliberative Process / Ex. 5

## **GRENADA MANUFACTURING SITE IN GRENADA**

**Issue:** What is the status of the Grenada Manufacturing Site in Grenada

**Response:**

Deliberative Process / Ex. 5

### **Background:**

The Grenada Manufacturing facility was constructed in 1961 and produced wheel covers under a number of owners, including Meritor, Textron and Grenada Manufacturing, LLC (Permittee) until 2008 when portions of the plant and property were leased to Ice Industries, Inc. (Ice). Ice produces stamp-formed parts for various industries. Throughout the history of operating the wheel cover chrome plating process, trichloroethene (TCE) and its daughter products were released to soil, sediment and groundwater. Though there are other contaminants of concern at this site, TCE is the main driver due to its highly carcinogenic properties. The Eastern Heights neighborhood, consisting of about 85 single-family residences, is located directly north of the facility. Groundwater contamination under the southern portion of the neighborhood was identified in 2015 and is under further investigation, though, to date, the EPA has determined that there is no immediate threat to public health in the Eastern Heights neighborhood due to TCE.

In recent years, the permeable reactive barrier (PRB), which was intended to address groundwater contamination at the facility, has not been effective and resulted in discharges of TCE and other site-related contaminants to Riverdale Creek. As a result, the Mississippi Department of Environmental Quality (MDEQ) has issued a Contact Advisory for a segment of the Creek. The EPA has directed the Permittee to take corrective measures to restore the PRB or develop alternate measures to control the groundwater discharges to the Creek. The EPA has also directed the Permittee to implement aggressive treatment measures at a known concentrated on-site source of TCE. Additional delineation of this source area is being conducted to provide data necessary to design the appropriate treatment. In addition, MDEQ has been addressing off-site remediation to the east of the facility next to Moose Lodge Road since the late 1990's. This former dumping site has been remediated for soils, but groundwater contamination still exists. This, or possibly another dump site/release area, may have caused the contamination under the Eastern Heights neighborhood.

In September 2015, a vapor intrusion (VI) study was initiated in the Eastern Heights neighborhood. Several rounds of VI sampling, in a total of 23 homes, have subsequently taken place, and no results to date indicate a complete vapor intrusion pathway in any of the homes sampled. An 8- to 12-foot silty clay layer underlies the neighborhood and appears to be preventing TCE vapors from coming up into the homes. Homeowners and residents of each home that was investigated have been sent individual letters detailing their results. Ambient air data was also collected as a part of the VI studies, ultimately indicating that there may be a nearby source causing low levels of TCE in the ambient air. Grenada Manufacturing, LLC will conduct an outdoor air study from July through October 2017 at and surrounding the facility. The outdoor air study will be conducted during the warmest months of the year in order to possibly locate the source(s) of TCE in outdoor air found during previous studies.

**Current Status/Next Steps:**

**Deliberative Process / Ex. 5**

## **CITY OF JACKSON FEDERAL CONSENT DECREE**

**Issue:** What is the status of the City of Jackson, MS Sanitary Sewer Overflow (SSO) Federal Consent Decree

**Response:**

**Deliberative Process / Ex. 5**

### **Background:**

- City of Jackson, MS SSO and Prohibited Bypass Consent Decree was entered by the Court on 3/1/2013.
- Estimated cost of injunctive relief at the time of Entry: \$400 million
- Current estimated cost of injunctive relief: \$800+ million.
- City has completed some rehabilitation work on the West Bank Interceptor, the 48"-96" interceptor that runs parallel to the Pearl River and collects sewage from most of the City as well as flows from several utilities in Madison County.
- City passed a 1% local option sales tax to help pay for infrastructure improvements, including water and sewer.
- City currently is in violation of terms of the Consent Decree for SSOs to waters of the United States, as well as late and/or disapproved submittals (i.e. Water Quality Monitoring Program and 7<sup>th</sup> and 8<sup>th</sup> Semi-Annual Reports).
- City is also not implementing several Management, Operations and Maintenance Programs previously approved by the EPA and MDEQ.
- EPA and DOJ may consider demanding stipulated penalties for all violations of the Consent Decree and/or ongoing SSOs and Prohibited Bypasses (currently estimated at over \$800,000).
- EPA has discussed other options with DOJ, and Mississippi DEQ, as the stipulated penalty amount would be rather large and it would be better used by the city to comply with the CD. However, there needs to be a tool to incentivize the City to comply with the CD.

## **HATTIESBURG CONSENT DECREE NEGOTIATIONS**

**Issue:** What is the status of the Hattiesburg, MS SSO Consent Decree Negotiations (Enforcement Confidential)

**Response:**

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

**Background:** EPA Region 4 referred this matter to the Department Justice (DOJ) on September 5, 2013 for violations of the Clean Water Act (CWA) as a result of the release of raw sewage (sanitary sewer overflows or SSOs) from the City of Hattiesburg's sewer collection system into local waterways, yards and homes. The Mississippi Department of Environmental Quality (MDEQ) is a co-plaintiff in the action with the United States. The City lacks definitive Management, Operation Management (MOM) programs and a plan to assess and rehabilitate its aging sewer collection system which has resulted in SSOs. The City has been cooperative to date, and the basic terms and conditions of a draft consent decree have been worked out which provide for the development and implementation of MOM programs and the assessment and rehabilitation of the sewer system. The remaining issues involve determining the totality of past violations, the amount of the civil penalty and whether the City wants to perform a Supplemental Environmental Project (SEP) to mitigate a portion of the penalty amount.

Issues surrounding the City's past compliance with CWA permit requirements to report SSOs have called into question the extent of SSO violations. Because the number of past SSOs is a critical element in determining the amount of the civil penalty, this issue must first be resolved before a final penalty number can be determined. However, regardless of the number of past SSOs, the civil penalty will not likely exceed \$276,000 pursuant to EPA's settlement penalty policy. The City has also submitted financial information to the EPA for a determination on whether the City has the ability to pay a civil penalty per EPA's guidance. Based on a review of this information, EPA's financial analyst determined that the City does in fact have the ability to pay a proposed civil penalty of \$276,000. The City has also indicated that if it chooses to perform a SEP, it will likely propose to repair private sewer lateral lines for economically disadvantaged residents. Based on a settlement penalty amount of \$276,000, the mitigation credit for the SEP will likely reduce the penalty by 40% to \$165,600. Using a mitigation percentage of 50%, the minimum required SEP value will be \$220,800.

**Current Status/Next Steps:**

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

## **CITY OF JACSKON LEAD AND COPPER RULE IMPLEMENTATION**

**Issue:** What is the status of the City Of Jackson, MS Lead And Copper Rule (LCR) Implementation

### **Background:**

On February 1, 2016, EPA Region 4 held a conference call with the Mississippi State Department of Health (MSDH) to discuss their response to the lead action level exceedance experienced by the City of Jackson's Surface Water System. Based on information provided by MSDH, on January 28, 2016, MSDH notified the City of Jackson (City) that its June 2015 lead and copper samples resulted in an exceedance of the action level for lead of 15 ppb. The City's 90th percentile value for lead was 28 ppb. MSDH met with the City on the same day. The notification to the City was provided immediately following the completion of MSDH's compliance determination for the previous 3-year monitoring cycle, which ended on December 31, 2016. MSDH also informed the City of its responsibilities to conduct further actions including notification of the sampling results to their customers. Region 4 communicated regularly and provided technical support to the MSDH as they evaluated the situation and determined appropriate actions to be taken by the City. The City received a treatment technique violation and is under a state-issued compliance plan, which includes all required actions that must be taken to reduce lead levels in drinking water.

- **Public Notification/Education.** The City has provided consumer notification and public education information as required by the Lead and Copper Rule (LCR).
- **Site Sampling Plan.** The City submitted a revised site sampling plan, which eliminated sites not meeting established Tier guidelines and added suspected sites that could include lead service lines (LSL).
- **Professional Engineering Services.** The City secured engineering services (Trilogy Engineering) and the firm submitted the required corrosion control study and plan for optimization of City's water treatment facilities.
- **Water Quality Parameter (WQP) Sampling.** The Compliance Plan for the City of Jackson established interim water quality standards until the required corrosion control study was completed. This meant maintaining a consistent pH of at least 8.5 and an alkalinity ranging from 50 mg/L to 70 mg/L. As a result, the City made repairs and/or modifications to its treatment facilities. Subsequently, water quality results have improved over time, although pH has recently fluctuated somewhat.
- **Corrosion Control Study.** Under the required corrosion control study, lead and copper coupon testing has been performed at both plants from October 2016 to April 2017. The corrosion control study report is now complete and was submitted to MSDH on June 13, 2017. MSDH has completed their initial review of that report.
- **SRF Loan.** The improvements loan was awarded at the end of 2016.
- **Latest LCR Sampling.** Results of the latest LCR compliance monitoring (for the period January 2017 – June 2017) were below the lead action level.

### **Current Steps/Next Steps:**

Deliberative Process / Ex. 5



**Deliberative Process / Ex. 5**